Dear Mr Ovaska and committee members

We are reaching out regarding the current discussion in the Finnish Parliament on the draft proposal for an EU Regulation to prevent and combat online child sexual abuse (CSA Regulation).

As you know, the Hungarian Presidency is trying to reach a common position in Council during its semester but the proposed compromise text remains concerning with regard to its impact on end-to-end encrypted services. More specifically, the **Presidency's proposal would require messaging services, including end-to-end encrypted ones, to scan users' private messages in order to detect known Child Sexual Abuse Material (CSAM), which would still break end-to-end encryption**, leading to serious implications for the privacy and security of users' communications. This caused the security services in the Netherlands to advise against the current proposal.

Scanning for known CSAM would likely mean implementing solutions such as 'client-side' scanning (CSS), which involves scanning all messages on an individual's phone for the presence of certain harmful content and relaying that content to select third parties, such as the service provider or the police. CSS advocates argue that it can identify content like CSAM without compromising end-to-end encryption, but experts disagree. CSS breaks the fundamental premise of end-to-end encryption by accessing message contents, exposing users to security risks.

Fortunately, there are ways to prevent harm and cooperate with law enforcement without the need to access people's messages. This is a top priority for Meta, and is why we continue to prevent harm through our product design, empower users with controls, proactively detect abuse and work closely with law enforcement. [*See how Messenger and Instagram address child sexual abuse here and WhatsApp's approach to the matter here*]

As you discuss Finland's position in the parliament, we call on you to strongly encourage the government to reject any proposal that would mandate the scanning of content of end-to-end encrypted communications and ensure that end-to-end encryption is explicitly protected in the text of the Regulation.

Don't hesitate to reach out to me if you have any questions. See additional resources below.

Meta

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More resources explaining why the proposal could be problematic for encryption and highlighting concerns around client-side scanning (CSS):

- The EU's Proposal on CSAM Is a Dangerous Misfire: an article from Tufts' Susan Landau which explains, from a technical perspective, why the proposal as written would not be effective in tackling the problem of CSAM and would come with "unreasonably high costs."
- Human Rights Impact Assessment: Meta's Expansion of End-to-End Encryption (E2EE): an independent report into Meta's expansion of E2EE by human rights group BSR which finds that "potential technical mitigations have been proposed for identifying and removing illegal content in an end-to-end encrypted messaging environment, but the only approach proposed thus far that may not undermine cryptographic integrity is not technically feasible today" (pg. 29).
- Bugs in our Pockets: The Risks of Client-Side Scanning: a seminal paper by cryptography and cybersecurity experts Susan Landau, Ross Anderson, Whitfield Diffie, Bruce Schneier (and others) which explains that client-side scanning (CSS) neither guarantees efficacious crime prevention nor prevents surveillance. Instead, "CSS by its nature creates serious security and privacy risks for all society while the assistance it can provide for law enforcement is at best problematic."
- Why Adding Client-Side Scanning Breaks End-To-End Encryption: a plain language explainer from the NGO EFF on why client-side scanning is not compatible with E2EE.
- Remarks on "Chat Control" by Matt Green, cryptographer and professor at Johns Hopkins University, who visited Brussels in March 2023.
- ISOC factsheet on CSS:a helpful explainer by the Internet Society on what CSS is and why It threatens trustworthy, private communications.
- Open letter on the position of over 350 scientists and researchers (including Finnish prominent academics) on the updated version of the EU's proposed Child Sexual Abuse Regulation